

Amendments to the Claim

The following listing of claims replaces all prior versions and listings of claims in the application:

Listing of Claims

1. (currently amended) A DNA construct comprising a seed-specific promoter operatively linked to a nucleotide sequence encoding ~~an amylopullulanase or a fragment of~~ *Thermoanaerobacterium ethanolicus* amylopullulanase that comprises amino acids 106-1060 of SEQ ID NO:1 and is free of amino acids 1-105 and 106-1481 of SEQ ID NO:1 ~~thereof having a pullulanase and α -amylase activities comprising.~~
- 2.-4. (canceled)
5. (currently amended) The construct of claim 1, further comprising a ~~wherein the~~ nucleotide sequence ~~encodes an amylopullulanase linked to~~ encoding a signal peptide linked to the nucleotide sequence encoding the fragment of *Thermoanaerobacterium ethanolicus* amylopullulanase.
6. (original) The construct of claim 5, wherein the signal peptide is a glutelin signal peptide.
7. (currently amended) The construct of claim 1, wherein the ~~nucleic acid~~ construct further includes a 3' gene terminator sequence.
8. (original) The construct of claim 7, wherein the 3' gene terminator sequence is a nopaline synthase gene terminator sequence.
9. (original) The construct of claim 1, wherein the seed specific promoter is a glutelin promoter or an α -Amy promoter.
10. (currently amended) The construct of claim 9, wherein the seed specific promoter ~~α -Amy promoter~~ is the α -Amy3 or the α -Amy8 promoter.

11. (currently amended) The construct of claim 9, wherein the ~~glutelin~~ seed specific promoter is the *GluB* promoter.

12. (currently amended) A genetically engineered seed, comprising a seed specific promoter operably linked to a nucleotide sequence encoding ~~an amylopullulanase or a fragment of~~ *Thermoanaerobacterium ethanolicus* amylopullulanase that comprises amino acids 106-1060 of SEQ ID NO:1 and is free of amino acids 1-105 and 106-1481 of SEQ ID NO:1 thereof having a ~~pullulanase and α -amylase activities.~~

13.-15. (canceled)

16. (original) The seed of claim 12, wherein the genetically engineered seed is a rice, corn, wheat, or barley seed.

17. (original) The seed of claim 12, wherein the genetically engineered seed is a rice seed.

18.-19. (canceled)

20. (currently amended) The seed of claim 12, wherein the nucleotide sequence encodes ~~an amylopullulanase linked to a signal peptide~~ linked to the nucleotide sequence encoding the fragment of *Thermoanaerobacterium ethanolicus* amylopullulanase.

21. (original) The seed of claim 20, wherein the signal peptide is a glutelin signal peptide.

22. (original) The seed of claim 12, wherein the nucleotide sequence further includes a 3' gene terminator sequence.

23. (original) The seed of claim 22, wherein the 3' gene terminator sequence is a nopaline synthase gene terminator sequence.

24. (original) The seed of claim 12, wherein the seed specific promoter is a glutelin promoter or an α -Amy promoter.

25. (currently amended) The seed of claim 24, wherein the ~~glutelin~~ seed specific promoter is the *GluB* promoter.

26. (currently amended) The seed of claim 24, wherein the ~~α -Amy~~ seed specific promoter is the α -Amy3 or the α Amy8 promoter.

27. (currently amended) A method of producing seeds having a modified starch structure or content, comprising:

transforming a plant cell with a DNA construct comprising a seed specific promoter operatively linked to a nucleotide sequence encoding ~~an amylopullulanase or a fragment of~~ *Thermoanaerobacterium ethanolicus* amylopullulanase that comprises amino acids 106-1060 of SEQ ID NO:1 and is free of amino acids 1-105 and 106-1481 of SEQ ID NO:1 ~~thereof having a pullulanase and α -amylase activities;~~

generating a whole plant from the transformed plant cell;

optionally multiplying the whole plant; and

harvesting seeds from the whole plant or multiplied whole plants.

28. (original) The method of claim 27, wherein the plant cell is a rice cell.

29-31. (canceled)

32. (currently amended) A method of producing a starch having a modified structure, comprising:

transforming a plant cell with a DNA construct comprising a seed specific promoter operatively linked to a nucleotide sequence encoding ~~an amylopullulanase or a fragment of~~ *Thermoanaerobacterium ethanolicus* amylopullulanase that comprises amino acids 106-1060 of SEQ

ID NO:1 and is free of amino acids 1-105 and 106-1481 of SEQ ID NO:1 thereof having a pullulanase and α -amylase activities;

generating a whole plant from the transformed plant cell;
optionally multiplying the whole plant;
harvesting seeds from the whole plant or multiplied whole plants; and
extracting the starch from the seeds.

33. (original) The method of claim 32, wherein the plant cell is a rice cell.

34.- 47. (canceled)

48. (new) A DNA construct comprising a seed-specific promoter operatively linked to a nucleotide sequence encoding an amino acid sequence consisting of amino acids 106-1060 of SEQ ID NO:1.

49. (new) The construct of claim 48, further comprising a nucleotide sequence encoding a signal peptide linked to the nucleotide sequence encoding the fragment of SEQ ID NO:1.

50. (new) The construct of claim 49, wherein the signal peptide is a glutelin signal peptide.

51. (new) The construct of claim 48, wherein the seed specific promoter is a glutelin promoter or an α -Amy promoter.

52. (new) The construct of claim 48, wherein the seed specific promoter is the α -Amy3 or the α -Amy8 promoter.

53. (new) The construct of claim 48, wherein the seed specific promoter is a *GluB* promoter.

54. (new) A genetically engineered seed comprising the construct of claim 48.

55. (new) A genetically engineered seed comprising the construct of claim 51.
56. (new) The seed of claim 54, wherein the genetically engineered seed is a rice, corn, wheat, or barley seed.
57. (new) A method of producing seeds having a modified starch structure or content, comprising:
transforming a plant cell with the construct of claim 48;
generating a whole plant from the transformed plant cell;
optionally multiplying the whole plant; and
harvesting seeds from the whole plant or multiplied whole plants.
58. (new) The method of claim 57, wherein the plant cell is a rice cell.